AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1.-19. (Cancelled)

20. (Currently Amended) A method of transmitting a recording comprising a sequence of data packets ~~from a server comprising a data store, a control unit and a transmitter over a network to a receiver comprising a receiver buffer~~, the method comprising:

a ~~the~~ server commencing transmission of the recording over the network to a ~~the~~ receiver;

the receiver holding received data in a ~~said~~ receiver buffer; and

at the server, a ~~the~~ control unit:

analyzing ~~the whole of~~ the recording in its entirety to determine where a point in the transmission of the recording is reached at which, if the receiver were to commence decoding data already transmitted and held in said receiver buffer, said receiver buffer would not underflow;

~~generating a control message to be sent to the receiver by said transmitter to instruct the receiver to commence decoding said received data when the point is reached; and~~

continuing transmission to the receiver,

wherein, said analyzing comprises ~~point is determined by~~ analyzing the ~~whole of the~~ recording in its entirety to calculate for each of a plurality of ~~identify a~~ first sections in ~~at the beginning of~~ the recording a maximum timing error value calculated as ~~which meets the condition that it covers a playing time interval greater than or equal to~~ the maximum of the extent to which the transmission time of the respective following section of the recording

exceeds its playing time interval for a following section of any length, wherein said point is

determined as the end of the shortest first section that meets the condition that it covers a playing

time interval greater than or equal to its respective maximum timing error value; and

the control message causes causing the receiver to commencing playing of

received data only after said first section has been received.

21. (Currently Amended) A method according to claim 20, wherein after transmission of

said first section, said receiver is caused to play by transmitting said an instruction start message

is transmitted to instruct to the receiver to commence playing.

22. (Currently Amended) A method according to claim 20, comprising:

transmitting to the receiver an instruction specifying the first section and wherein the

receiver is caused to commences commence playing when said receiver recognizes that the first

section is in said receiver buffer.

23. (Currently Amended) A method according to claim 20, in which:

at the server, said analyzing comprises computing said maximum timing error values for

different sections of the sequence, and

at the receiver, the maximum timing error values are compared with the buffer contents

to recognize when said first section is in the buffer.

24. (Currently Amended) A method according to claim 20, comprising:

withholding transmission of an initial part of the recording until ~~the~~ a remainder of said

first section has been transmitted; and

transmitting said initial part;

wherein the receiver commences playing only when said initial part is received.

25. (Currently Amended) A method according to claim 20, including:

performing the analysis in advance of said transmission of said recording to the receiver;

and

marking ~~the~~ an identified section in the recording prior to ~~its~~ transmission of said

identified section.

26. (Currently Amended) A method according to claim 20, wherein said analyzing

includes:

computing, in advance, timing error values corresponding to a plurality of transmitting

data rates and storing ~~them~~ the timing error values; and

subsequently estimating therefrom an error value corresponding to an actual transmitting

data rate.

27. (Currently Amended) A method according to claim [[19]]20, in which the analyzing

comprises:

testing a timing error parameter evaluated for successive portions of the recording,

wherein the timing error parameter is first calculated in respect of a first or early portion

of the recording and the timing error parameter for subsequent portions is obtained by updating

the parameter obtained for the preceding portion .

28. (Currently Amended) A method according to claim [[19]]20, in which the recording

is a video recording.

29. (Currently Amended) A method according to claim [[19]]20, in which the recording

is an audio recording.

30. (Currently Amended) A method as claimed in according to claim [[19]]20, wherein:

the recording is transmitted in a network from the server to the receiver at a fluctuating

transmitting data rate which is not known when the whole of the recording in its entirety is

analyzed to identify a first section at the beginning of the recording which meets the a condition

that it covers a playing time interval greater than or equal to the a maximum of the an extent to

which the a transmission time of the a respective following section exceeds its playing time

interval for a following data section of any length; and wherein

said causing the receiver comprises a control message which causes the receiver to

commence playing of received data only after said first section has been received.

31. (Currently Amended) A method as claimed in according to claim [[19]]20, wherein

the recording is transmitted over a network and is to be played in real time by the receiver.

32. (Cancelled)

33. (New) A method according to claim 20,

wherein a timing error parameter is calculated as the extent to which the transmission time of a following section of the recording, said following section being a section following said first section, exceeds the playing time interval for said following section, and wherein the maximum timing error value is the maximum of the timing error parameters over the set of all possible following sections of any length from said first section.

34. (New) A method according to claim 20, wherein

a timing error parameter is calculated as the extent to which the transmission time of a following section of the recording, said following section being a section following said first section, exceeds the playing time interval for said following section, and wherein the maximum timing error value is the maximum of the timing error parameters over the set of all possible following sections of any length from said first section,

wherein said timing error parameter is calculated as the sum of the timing errors from the end of said first section to the end of the following section and a timing error is the difference between the transmission time of a portion and the playing time of a portion.

35. (New) An apparatus arranged to transmit a recording comprising a sequence of data packets stored in a data store accessible by a server comprising a control unit and a transmitter over a network to a receiver comprising a receiver buffer, wherein

when the server commences transmission of the recording over the network to the

receiver;

the receiver is arranged to hold received data in said receiver buffer, until at the server,

the control unit: has analyzed the recording in its entirety to determine where a point in the

transmission of the recording is reached at which, if the receiver were to commence decoding

data already transmitted and held in said receiver buffer, said receiver buffer would not

underflow;

wherein, the recording in its entirety is analyzed to calculate for each of a plurality of first

sections in the recording a maximum timing error value calculated as the maximum of the extent

to which the transmission time of the respective following section of the recording exceeds its

playing time interval for a following section of any length, wherein said point is determined as

the end of the shortest first section that meets the condition that it covers a playing time interval

greater than or equal to its respective maximum timing error value, wherein

the receiver is caused to commence playing of received data after said first section has

been received.

36. (New) An apparatus according to claim 35,

wherein the timing error parameter which calculates the extent to which the transmission

time of a section of the recording following said first section exceeds the playing time interval

for said first section is calculated as the sum of the timing errors from the end of said first section

to the end of the following section; and

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wherein the maximum timing error value is the maximum of the timing error parameters over the set of all possible following sections of any length from said first section.